

### **REMARKS**

After entry of the present amendment, claims 1-4, 6-15, 18-28, 31, 42-44, and 57-72 are currently pending in the application. Claims 1, 27, and 31 have been amended. Claims 61-72 have been added and correspond to original species claims 29-30 and 32-41 that were subject to an election of species.

#### **Claim Amendments**

Support for all claim amendments is found in the original specification as filed, and there is no new matter presented in any of the claim amendments.

Claim 1 has been amended to clarify the antecedent basis for the cell population in steps (c) and (d) and to clarify that this population is the same “primitive hematopoietic cell population” recited in steps (a) and (b).

Claim 1 has been amended to clarify the term “proliferation agent” as “comprising one or more growth factors, one or more cytokines, or combinations thereof.” Support for contacting the primitive hematopoietic cell population with one or more growth factors, one or more cytokines, or combinations thereof is found throughout the application as originally filed, and specifically in claims 5 and 28 of the originally filed application. Numerous specific examples of the use of one or more growth factors and/or cytokines are provided at page 21, lines 5-19; page 27, line 10 - page 29, line 24; Example 3, page 37, and Table 1, page 38.

Support for use of the term “proliferation agent” appears throughout the specification and specifically on page 14, lines 12-27 of the specification as filed. Additional examples of support from the specification as filed are specifically recited in the Amendment and Response dated 29 August 2007.

Claims 1 and 27 have been amended to recite a “reagent capable of reacting with ATP and generating luminescence in the presence of ATP.” In step (d), Claim 1 has also been amended to recite “the reagent that reacted with the ATP in the primitive hematopoietic cell population” to clarify that the reagent reacts with ATP in order to produce luminescence. Support for these amendments is found throughout the

specification and specifically in Example 2, page 35, line 26 - page 37, line 23. This example explains how the ATP is released from the cells in order to react with the reagents used to quantify the levels of ATP in the cells.

Claim 31 has been amended to correct its dependency. The subject matter of claim 5 has been incorporated into claim 1, so amended claim 31 now depends from claim 1, rather than from claim 5.

#### New Claims

New claims 61-72 have been added. There was a requirement to elect a single species from original claims 29-41. Claim 31 was elected for examination. Claims 29-30, and 32-41 were canceled as being directed to a non-elected species. Since the Examiner has indicated that a generic claim is allowable, claims 61-72, which correspond to original claims 29-30 and 32-41, have been reintroduced in the present application.

These claims recite various combinations of proliferation agents used to select for various cell populations. They have been reintroduced as new claims because they had been previously canceled. The original claims depended from claim 5, but the new claims 61-72 depend from claim 1 because the proliferation agent recited in claim 5 has been incorporated into claim 1, and claim 5 has been canceled.

Support for new claims 61-72 can be found in original claims 29-30 and 32-41. Further support for these claims is found in the specification at page 27, line 10 - page 29, line 24, and on page 38 in Table 1.

The art rejections from the Office Action dated 29 March 2007 are not addressed here because they have been fully addressed in the personal interview with the Examiner on 21 August 2007 and in the Amendment and Response dated 29 August 2007.

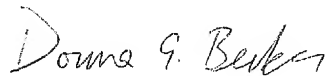
Conclusion

Any amendments made during the prosecution of this application are intended to expedite prosecution of the application and are not to be interpreted as acknowledgement of the validity of any rejection raised earlier in prosecution, nor as acknowledgement that any citation made against the application is material to the patentability of the application prior to amendment.

No additional fees are believed necessitated by the filing of this Supplemental Amendment. Should any such additional fees be required, the Director is hereby authorized to deduct them from Deposit Account No. 18-2000, of which the undersigned is an authorized signatory.

Should the Examiner believe that there are any outstanding matters capable of resolution by a telephone interview, the Examiner is encouraged to telephone the undersigned attorney of record. Finally, the Applicant and the Applicant's Attorney thank the Examiner for Examiner's time and consideration.

Respectfully submitted,



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